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**OFFICIAL BUSINESS**

Date: September 8, 2004

To: PTO Director's Office  
Art Unit Group: 3725

Fax No.: 703-872-9306

From: Kevin C. Brown, Reg. No. 32,402

Subject: U.S. Application Ser. No. 09/623,542  
International Filing Date: March 5, 1999  
Title: SCREENING APPARATUS

Our Ref.: 100\_026

You should receive 7 page(s) including this cover sheet. If you do not receive all pages, please call (315) 233-8300.

**COMMENTS:**

**Dear Director:**

Attached is a copy of a Petition and a Power of Attorney filed in the above-identified application on March 19, 2004. Attached to the Petition filed March 19, 2004 were copies of the contents of the U.S. PTO Official File for the above-referenced application. Attached is a copy of a Postcard bearing the U.S. PTO mailroom stamp acknowledging that all of these papers were received in the U.S. PTO mailroom.

Favorable consideration is respectfully requested.

  
Kevin C. Brown, Reg. No. 32,402

IMPORTANT - THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT READING, DISSEMINATING, DISTRIBUTING OR COPYING THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DESTROY THE COMMUNICATION. THANK YOU.

**BURR & BROWN**

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**Practitioner's Docket No.: 100\_026**

**SEP 08 2004**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: **KUHMENEN, Mauri**

Ser. No.: 09/623,542

Group Art Unit: 3653

International (PCT) filing date:

Examiner: Unknown

March 5, 1999

Confirmation No.: Unknown

For: **SCREENING APPARATUS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 19, 2004 under "EXPRESS MAIL" mailing label number EV 44336 7597 US.

*Janet M. Stevens*  
Janet M. Stevens

**PETITION TO WITHDRAW ANY HOLDING OF ABANDONMENT, REQUEST  
FOR ACKNOWLEDGMENT OF PENDING STATUS AND CONTINGENT  
PETITION TO REVIVE ABANDONED APPLICATION**

Sir:

Attached hereto is a Power of Attorney by Assignee of Entire Interest, granting the undersigned Power of Attorney in the above-referenced application.

Attached are copies of the contents of the U.S. PTO official file for the above-referenced application, which were obtained by the Assignee of the Entire Interest on or about March 18, 2004.

The contents of the official U.S. PTO file for the above referenced application include the following materials:

- the National Stage Entry, apparently filed on 5 September 2000;
- a Notification of Missing Requirements dated 12 October 2000, issued by the U.S. PTO, identifying a completely different patent application and addressee;
- a Notification of Abandonment, dated 30 May 2001, issued by the U.S. PTO and addressed to James Ray & Associates;

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- a Petition to Withdraw Holding of Abandonment apparently signed by James Ray and dated 15 April 15 2002, apparently received by the U.S. PTO on 23 April 23 2002;
- a Decision on Petition dated 3 June 2002, issued by the U.S. PTO, granting the Petition;
- a Withdrawal of Previously Sent Notice issued by the U.S. PTO, dated 27 June 2002, noting the "[t]he application is complete and will be processed for examination";
- a Declaration Transmittal apparently signed by James Ray and dated 18 June 2002, and a Declaration, apparently received by the U.S. PTO on 8 July 2002;
- a Notification of Defective Response, dated 27 June 2002, issued by the U.S. PTO, stating that "[t]he nucleotide sequence and/or amino acid sequence . . . does not comply with the requirements for such a disclosure . . .";
- a Notice of Acceptance, dated 9 August 2002, issued by the U.S. PTO; and
- an Information Disclosure Statement apparently signed by James Ray, dated August 7, 2002.

As reflected above, the most recent communication issued from the U.S. PTO was a Notice of Acceptance dated August 9, 2002. The Notice of Acceptance was dated *after* the Notification of Defective Response dated June 27, 2002.

The Notification of Defective Response dated June 27, 2002 includes a statement that "[t]he nucleotide sequence and/or amino acid sequence . . . does not comply with the requirements for such a disclosure . . .". This Notification of Defective Response was clearly in error because the present application does not include any nucleotide sequence or amino acid sequence. The erroneous issuance of the Notification of Defective Response dated June 27, 2002 was apparently corrected by the Notice of Acceptance dated August 9, 2002.

It is furthermore respectfully noted that a Notification of Abandonment (other than the erroneous Notification of Abandonment dated May 30, 2001 and withdrawn on June 27, 2002) was never issued by the U.S. Patent and Trademark Office.

In view of the above, the official U.S. PTO file for the present application would indicate that the present application remains pending and is awaiting examination. Confirmation that the present application remains pending is respectfully requested. In addition, it is respectfully requested that any holding of abandonment of the above-referenced application be immediately withdrawn, and that the undersigned be informed of such action.

In the event that (1) the U.S. PTO deems the present application to be abandoned and (2) the above-identified application is not immediately returned to pending status in view of the above, it is respectfully requested that this paper be treated as including a Petition to the Commissioner Under 37 C.F.R. 1.181 - 1.183 to withdraw such holding of abandonment and/or to revive the present application, including a petition that all fees in connection therewith be waived because it is clear that the applicants are not at fault in this matter.

In the event that (1) the U.S. PTO deems the present application to be abandoned and (2) the above-identified application is not immediately returned to pending status in view of the above, including the Contingent Petition under 37 C.F.R. 1.181 - 1.183, it is respectfully requested that this paper be treated as including a Petition to Revive an Abandoned Application Under the Provisions of 37 C.F.R. 1.137(a) to revive an unavoidably abandoned application. It is respectfully submitted that any abandonment of the present application was unavoidable, because the official U.S. PTO file for the present application reflects that the *most recent* communication from the U.S. Patent and Trademark Office, namely, the Notice of Acceptance dated August 9, 2002, indicates that the present application has met the requirements of 35 U.S.C. 371 and is accepted for national patentability examination, thus indicating that the present application remains pending herein is awaiting examination.

In the event that (1) the U.S. PTO deems the present application to be abandoned and (2) the above-identified application is not immediately returned to pending status in view of the above, including the contingent Petition Under 37 C.F.R. 1.181 - 1.183, and the contingent Petition Under 37 C.F.R. 1.137(a), it is respectfully requested that this paper be treated as including a Petition to Revive an Abandoned Application Under the Provisions of 37 C.F.R. 1.137(b). Any abandonment of the present application, including any failure to respond to any communication from the U.S. Patent and Trademark Office which had not been later effectively withdrawn, was unintentional.

It is respectfully submitted that any fees associated with this communication should be waived since the evidence submitted herewith shows that the applicants are in no way at fault. In the event, however, that it is deemed that fees are required in connection with the present paper, including any fees for the Contingent Petition Under 37 C.F.R. 1.181 - 1.183, the Contingent Petition Under 37 C.F.R. 1.137(a) or the Contingent Petition Under 37 C.F.R. 1.137(b), the Commissioner is hereby authorized to charge those fees to Deposit Account 50-

1446. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

March 19, 2004

Date



Kevin C. Brown  
Reg. No. 32,402

KCB:jms

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✓  
Your mail room stamp hereon will acknowledge receipt of Petition to  
Withdraw Any Holding of Abandonment, Request for Acknowledgment of  
Pending Status and Contingent Petition to Revive Abandoned Application  
(4 pages) (in duplicate), and copies of contents of official U.S. PTO file for  
U.S. Application Serial No. 09/623,542, *for and Power of Attorney (1 page)*  
*FOR:*

(100\_026 - Griffith Hack)

MISU PTY LTD.

Ser. No.: 09/623,542

International (PCT) Filing Date: March 5, 1999

Art Unit: 3653

For: SCREENING APPARATUS



Mailing Date: March 19, 2004

Atty: KCB:jms

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SEP 08 2004

Practitioner's Docket No.: 100\_026

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): KUHMOMEN, Mauri

U.S. Application Serial No.: 09/621,542

Filing Date:

Title: SCREENING APPARATUS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)

As assignee of record of the entire interest of the above identified patent application,

REVOCATION OF PRIOR POWERS OF ATTORNEY

all powers of attorney previously given are hereby revoked and

NEW POWER OF ATTORNEY

the following practitioners are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Stephen F. Burr, Reg. No. 32,970, and  
Kevin C. Brown, Reg. No. 32,402

all of:

Burr & Brown  
P.O. Box 7068  
Syracuse, New York 13261-7068.

Please forward all correspondence to: Customer No. 025191.

Direct Telephone Calls to: Kevin C. Brown, (315) 233-8300.

Direct Facsimiles to: Kevin C. Brown, (315) 233-8320.

SIGNATURE of Assignee of Record			
Name:			
Title:	MISU PTY LTD		
Signature	MISU Manager	Date	9/3/2004

MISU PTY LTD  
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